

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**EDWARD E. GILLEN CO.,**

Plaintiff,

**-vs-**

**THE INSURANCE COMPANY OF THE STATE  
OF PENNSYLVANIA,**

Defendant.

**Case No. 10-C-564**

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**FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND**

Intervening Plaintiff,

**-vs-**

**EDWARD E. GILLEN CO.**

Defendant.

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**DECISION AND ORDER**

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The Court is in receipt of a letter indicating that Edward E. Gillen Co. and the Insurance Company of the State of Pennsylvania (ICSOP) have reached a settlement. Accordingly, all pending docket dates and deadlines are **VACATED**. ICSOP's motion to dismiss [ECF No. 164] is **DENIED** as moot.

Also pending is Fidelity and Deposit Company of Maryland's motion to intervene to enforce and protect its rights as Gillen's surety and judgment creditor. Gillen does not oppose this motion [ECF No. 170], which is **GRANTED**. However, Fidelity's motion was not "accompanied by a pleading that sets out the claim or

defense for which intervention is sought.” Fed. R. Civ. P. 24(c). Fidelity should file a complaint within **ten (10)** days of the date of this Order. After Gillen answers, the Court will set a status conference to discuss any remaining matters, including Fidelity’s claims to the settlement proceeds.

Dated at Milwaukee, Wisconsin, this 20th day of May, 2013.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**